

OPERATION PIKE

DEBRIEF : 26 APRIL 2012 : 1100 hrs

PRESENT:

Detective Superintendent [REDACTED] : Chairman

Detective Superintendent P READ

Detective Senior Sergeant [REDACTED]

Detective Senior Sergeant [REDACTED]

Detective Sergeant [REDACTED]

Detective [REDACTED]

Detective [REDACTED]

Sergeant [REDACTED]

Detective [REDACTED]

Detective [REDACTED]

Detective [REDACTED]

Detective [REDACTED]

Detective [REDACTED]

Detective [REDACTED]

Detective Constable [REDACTED]

Typist [REDACTED]

APOLOGIES:

District Commander : Superintendent [REDACTED]

- Lunch to be provided at 1245 hrs.
- Detective Superintendent READ provides guidelines and rules for debrief.
- Detective Superintendent [REDACTED], Chairman, explains purpose of debrief and acknowledges the significant contribution made by staff involved in this investigation.

Rules of Engagement:

- To critically examine this particular operation.
- To identify strengths and weaknesses that occurred along the way.
- Record successful actions and techniques for inclusion in future plans and training.
- Evaluate what went wrong if in fact anything did go wrong.
- Solicit suggestions for improvement and consider valid criticisms.
- Gain a better understanding of the circumstances surrounding what happened and identify what actions need to be taken as a result.

- Any post analysis does look back but the focus today is to be proactive in seeking to identify future courses of action.
 - Purpose of debrief is not to apportion blame and any complaints about individuals must be constructive.
 - To clarify any misunderstandings if in fact there were any.
 - Debrief notes will be distributed to those involved in Operation Pike.
- Detective Superintendent READ provides an overall summary of Operation Pike for the benefit of the Chairman.

Explosion occurred on the afternoon of Friday, 19 November 2010. Initially it was rescue and recovery and uniform staff involving operational matters. There was obviously going to be a clear need for investigation support and on Saturday morning received a phone call from Assistant Commissioner [REDACTED] requesting him to head an investigation with a small group of people to go to the West Coast to support rescue and recovery operation. Detective Sergeant [REDACTED], Detective [REDACTED] and Detective Constable [REDACTED] went to the West Coast mid-afternoon arriving early evening.

The first couple of days were spent obtaining an appreciation of what was happening and doing anything immediate in terms of rescue and recovery, which was mostly around explosives in the mine and verifying who the miners were. Then we turned our attention to coronial issues and what was happening at the time including extensive national and international media interest.

It was evident at an early stage more staff would be required from Christchurch; Southern and Wellington Districts also provided staff. Southern staff attended for three or four days. When it became evident it was going to be an extensive operation an arrangement was made for long term staff. Tasman District was unable to provide staff, as it would take a huge percentage of their investigative capability.

The investigation progressed from a rescue and recovery to a criminal liability Royal Commission of Inquiry involving multiple agencies.

It was a major operation where the criminal investigation was just one phase and Police had to fit in with what was happening on the operation.

- Debrief progresses through agenda as follows:

1 STAFFING

- The investigation was exceptional in that staff had to acquire mining skills whereas normally staff had the required skills for criminal investigations such as homicides.

- The investigation team stayed in Hokitika due to significant media presence in Greymouth. Tactically a good option to locate the investigation away from Greymouth and the public eye in terms of what they perceived we were doing. Allowed the group to get on with the job and gave a division between the inquiry in Greymouth and our team.
- Staff numbers doubled during interview phase. Dunedin and Wellington staff deployed for two to three weeks.
- **Action point** - when out of town staff returned to their base we lost their knowledge to advance the interviews.
- **Action point** - benefits of having accommodation away from actual inquiry base outweigh negatives. Had sufficient vehicles.

2 INITIAL SETUP

- Accommodated Department of Labour (DoL), what they wanted and their methods. Police used serious crime template which proved to be a robust system to manage a file of this size, especially with CID and directionals. DoL involvement was a challenge when trying to impress on them our systems. They have a much flatter structure and took time to convince them to use our system. Their NCOs are not as identifiable; they have lead investigators who do not necessarily manage staff. DoL had similar staff numbers to Police, which was another team of investigators.
- DoL acknowledged they would not have been able to cope without Police involvement for the first six to nine months due to volume of information and documents being generated. DoL did not appear to have the structure and planning to manage a file in a logical sequence. Police still missing DoL information because once DoL laid their charges the team was reduced to one or two people.
- DoL had a clearer view of what they were looking for. There was certainly a segregation of roles between Police and DoL. Their final report is completely different from the Police focus. They were looking at workplace issues which meant nothing to Police and had no bearing on the criminal investigation.
- Interaction with other Government agencies is happening more and more and a good example is the Rugby World Cup. The Police organisation chart is a tried and tested model and has the flexibility to manage operations such as Operation Pike.
- **Action point** - would have been an advantage to share an office with DoL so various issues could be discussed and Police and DoL would have been more aware of what other investigators were doing and able to utilise this information rather than potentially losing it; know inquiries have been made but haven't necessarily received that information. There was occasion when

several investigators from Police and DoL were interviewing the same people about the same thing. DoL created their own system using our file numbers eg. 10000 series so in hindsight one group could have managed the file. There were two separate organisations working together.

- Police had a robust protocol document that outlined information sharing and depended on goodwill between the groups. Early decisions proved to be correct especially around interviews and Police getting involved with what DoL had done around compulsion and disclosure.
- As DoL's deadline got closer and because they had a six month statutory limitation which was extended to a year to lay charges, more pressure came on them and they reverted to their old systems to finalise the report. As soon as the report was finalised DoL staff left the inquiry and Police had to try and obtain the information they had in notebooks and phone interviews to establish where people were in the mine.
- **Action point** - there was robust discussion at a higher level about Police involvement. Police are now looking at similar operations, eg. Rena, where Police stepped back and the other organisation was to inform Police if there was anything criminal. With the benefit of hindsight the way to move forward is for someone to review the Memorandum of Understanding that Police have between the two organisations and consider adjustments in terms of issues raised about parallel investigations
- The decision to have a criminal investigation for Operation Pike was because of the potential for criminal charges to be laid and for Government to have faith that things would be done in terms of the Royal Commission; the investigation gave us the opportunity to interpret whatever data we obtained in our own way whether for criminal, Commission or Coronial purposes.
- **Action point** - if only providing information for the RCOI would any other structure, other than the one Operation Pike had in place, have been able to do it as well. Staff remaining on the inquiry felt they were feeding the RCOI for a large part of the year. It is possible DoL would not have been able to do this as successfully.
- Evident early on that DoL was investigating their own staff and this did cause some abrasion between different agencies. When interviewing one of their inspectors the relationship was a bit stretched. Police however had to work with them because that was the Government agency that dealt with a workplace investigation.
- **Action point** - initial problem with exhibits having separate Exhibits Officers.
- **Action point** - would have been beneficial to have an investigation team member present at the mine site early on in the investigation to liaise with or be privy to rescue recovery efforts and briefings. Upon commencing Phase 1 and Phase 2 of the RCOI, and briefing those aspects for the Commission, had

to extract information as to what had occurred. Would have been quicker if had someone at the mine to be privy to briefings and keep a summation of information available; was never really considered in first couple of weeks because every day there was someone at the mine. Could have deployed someone to be forward base, not necessarily a Detective, who had the skill to be a middle person. Sergeant NOONAN arrived at the mine around Christmas and there was a complete disconnect with multiple files and the way Incident Action Plan (IAP) meetings were being held.

- Rescue recovery did not appoint file manager until mid December. Suggestion was made within first two or three days they needed a file manager and explained serious crime template and how it should be set up. Appointment was not made until at least three weeks into operation when there were potentially over 1000 documents. Liaison earlier between investigative and operational staff would have been of benefit ensuring a file management structure.
- Operational staff possibly completed job sheets but there was no direction and some of the information that was relatively important has been lost and carried around in people's heads. It was a very busy environment but no follow up or reminding people; not always sending people fit for purpose, sending who was available. Some people need cues on what they need to put on paper. Investigation file manager received eight boxes of documents from Greymouth that had IAPs, emails and other documents that had not been put into the operational folder.
- Not our responsibility to focus on recovery. Took a while to work through funerals, obtaining access to people, and it was over a week before appointments for interviews could be made and unsure it could have been done any better.
- Initially located at the Greymouth Police Station which was ideal and then moved to Operation Pike base which was excellent.

3 INITIAL FOCUS - RESCUE AND RECOVERY SUPPORT

- Previously canvassed in 'Initial Setup'.
- There to do investigation, not to manage paperwork for the operation. Rescue and recovery was disorganised in relation to paper trail and did not realise this until further on in the investigation. They had been advised at operational briefings to take notes.
- Exhibits arrived at investigation base with no documentation including videotapes and photographs; did not know when or where they had been taken. Chain of evidence for documentary exhibits including videos and photographs diabolical. There are no job sheets or 268 reports for any of these exhibits. Operational staff should have been continually briefed to

record chain of custody however it is basic Police work. Someone should have been nominated in that role?

- No procedure for dealing with devices at the mine, for example, a number of pen drives were handed out to download information and no record as to who had what. Cameras disappeared that were bought solely for recording so the operation and investigation had documentation. Do not know where they went.
- Inspectors at the mine appeared to be out of their depth. Became involved in what was happening in the mine rather than taking a step back and thinking what their purpose and goals were.
- **Action point** - do not assume people know what their role is. Staff need to be told what is expected of them, what they have to do. It does not just apply to this particular operation, it applies across the board. It would have been beneficial to have a liaison person from investigation team appointed to operation team, if only to give a briefing on what we needed them to do regarding exhibits and documentation.
- **Action point** - due to the size of the file, the early appointment of a file manager for the operation rescue and recovery, and perhaps two administration staff with their sole role being to ensure what was happening and to deal with documentation, would have prevented these issues from occurring. People were more open to discussion when they realised we were not working for the recovery team because they were considered the 'bad guys'.

4 DEPARTMENT OF LABOUR - PROTOCOL

- DoL Protocol was robust and carefully considered by both Police and DoL legal teams. Covered ever possibility and took about a week and a half to complete. Stipulated the Protocol and Memorandum of Understanding was for the life of any prosecution.
- **Action point** - no major grievances or issues and DoL was a good team. They just needed to be more focused on looking after a major file and Police achieved that.

5 TRAINING

- Clearly unique in terms of training and lack of previous experience anyone in Police could possibly have around mines; need to acknowledge this.
- Initially [REDACTED], DoL Inspector, provided Police investigators with a couple of hours training however in hindsight debatable whether he was the appropriate person, as he was not independent. Someone from Polytech or Solid Energy may have been more appropriate.

- Some investigators had seen the mining machines therefore had a better understanding but a very unusual area for Police to investigate. To a certain degree DoL required training too because they are investigators of accidents, not mines. Took some time for everyone to come up to speed.
- When interviewing, certain topics would be raised by interviewees and would have to do research to obtain a better understanding. As the weeks progressed Police started to develop their knowledge of the processes.
- Going into a mine to look at Mines Rescue who has an underground facility was a matter for the individual. Detectives [REDACTED] and [REDACTED] went into Spring Creek Mine and saw how it worked regarding Pike River Mine including how tight the tunnels were. After having visited a mine everything fell into place and was very beneficial.
- **Action point** - as an alternative could have viewed coal mining video from Australian mines instead of going into mine. Terminology book and photographs very helpful and should have been updated as the inquiry progressed. Were invaluable in the first few interviews.

6 SETTING UP FOR INTERVIEWS

- Detective [REDACTED], File Manager, and [REDACTED], DoL Senior Investigator, created template of questions including preamble which eventually became a legal document. Addressed culpability and included summary template which advanced into a succinct and detailed analysis as investigators became more knowledgeable and understood various mining terms. In first few weeks important to have DoL co-interviewing to assist Police with mining terminology.
- Interviews were recorded on DVD and consisted of approximately 250 formal interviews. There was a telephone screening process to gauge whether a formal interview was necessary. Smaller players were interviewed initially to enable Police to obtain information of relevance for when managers and more senior staff were formally interviewed. Some managers were interviewed two or three times.
- Disclosure of DVDs was well managed. No complaints from Counsel in relation to RCOI about disclosure not being complied with in terms of Privacy Act or Official Information Act when it applied to the individual. Detective [REDACTED] managed this using a high speed burner, which was very time consuming role. Preamble requested copy of transcript immediately after interview and complied with disclosure requests early on in the inquiry.
- National policy stipulates witness interviews other than Tier Three should not be done on DVD. Had both audio and DVD but visual impact was important because there was a minimum of three to four people present as part of the protocol to have DoL involved; interviewer, interviewee, union

representative, company lawyer, DoL representative. It was pre-determined who was going to lead interview.

- DVD interviewing enabled two interviews to be one each day. A two hour video interview would take four or five times longer if handwritten therefore progress was made in quicker timeframe. Also meant terminology and concepts were accurately recorded.
- Before the first interview was commenced [REDACTED] considered the issues and themes that had been identified. There were ongoing subtle changes to these for the first three to four weeks of the interviews. He also checked the questionnaire to ensure all issues were covered. Interview plans developed as the investigation progressed.
- **Action point** - would have been an advantage to have a consultant as part of investigation team to give advice and be present at some of the interviews. Topics were very complex, for example, ventilation systems. Had to know the subject before commencing interviews and had morning briefings to discuss issues raised.
- Police investigation was to obtain facts and establish whether there was criminal liability. DoL had their own agenda and covered not only the explosion but topics such as hygiene, health, air bases.
- When interviewing management [REDACTED] it was appropriate DoL interviewed for the first couple of days, as they had questions which did not involve Police. Police tend to use the PEACE model with more open-ended questions and DoL ask fixed questions.
- Initially there was reluctance on the part of mining staff to participate and be interviewed; if we had pushed too hard a few of them would have withdrawn their support.

7 JOINT INTERVIEWS

- Workload was not equitable between DoL and Police. After interviewing Police inundated with paperwork, preparing the file, summarising interviews, exhibiting DVDs, etc. In terms of best practice when reviewing files, if process is done correctly then ultimately save a lot of time further down the track.
- [REDACTED]
- [REDACTED]

8 METHOD OF RECORDING INTERVIEWS

- Discussion generated not only on inquiry but greater Police population as to why the interviews were being done on DVD. For accuracy and explaining the concept of mining it was the only option available. There was also an audio backup because occasionally one of the DVDs did not record correctly.

9 INTERVIEW MANAGEMENT

- Was initially managed by company lawyer supplying the interviewees and when they would be interviewed. Became complicated when considering the employee and contractors database involving approximately 260 interviewees.
- After negotiation it was managed by Police and in early 2011 Detective [REDACTED] was almost full time organising the interviews, using a booking diary, and coordinating lawyers and EPMU representatives, which worked well.
- Detective [REDACTED] travelled to the mine most days and built up a rapport with staff, explaining to them what our role was and as a result they agreed to be interviewed.

10 TRANSCRIPTION MANAGEMENT

- Interviewing on DVD worked well and an attempt was made to use the national Winscribe typing system however Police did not have the resources and there were lengthy delays having the DVDs transcribed.
- An outside agency, Adept, was employed to transcribed the DVDs and they provided a very efficient and speedy turnaround while interviews were still fresh in interviewers' minds. This was a shared cost with DoL.
- On occasion DoL transcribed their own interviews but they were not to the same high standard; when pressure came to bear they started to do their own thing rather than working within the structure.

11 IDENTIFYING INTERVIEW ISSUES AND THEMES

- At the initial meeting DoL stated what they thought was relevant.
- Explained interview process to [REDACTED] and upon commencement of the interviews the team met regularly to discuss what the key issues were. Developed a template and added to the themes as the interviews progressed.

- Crucial to hold the half hour morning meetings so everyone knew what was being discussed and the different terms being used. After nine months some of the themes became redundant and interviewers did not include them in interviews.
- It was not only a criminal investigation but also had to set the scene about where people were in the mine, background information.

12 PRC AND CONTRACTOR LIAISON

- DoL agreed to take over the contractor liaison role, ie. McConnell Dowell and Valley Longwall Drilling, regarding OSH issues and to identify and telephone screen contractors. After about four weeks DoL presented a piecemeal list but did not disclose how they were identified. When Police checked the Pike River Coal database there was a Level 3 induction list of contractors who had been inducted to go underground. When audited against DoL records at least 40% of the contractors were missing. DoL had handpicked who they considered to be relevant instead of screening them.
- **Action point** - Potentially contractors were being missed who may have had information to pass onto the inquiry. In hindsight there needed to be closer liaison and one person overseeing the process of identifying who was to be interviewed. Could not have anticipated the number of contractors involved and it was the right decision to process according to whether they had been inducted, were current employees or had been inducted within three months prior to the explosion.
- Police cover all bases because of the court process and DoL only interview key people and then move on. This was reflected in the contractors' list DoL provided. They only interviewed 10% to 20% of what we interviewed.
- Police needed to establish where everyone was in the mine so had to go wider. DoL's approach was to obtain information to substantiate what they were trying to prove but did not look further as to whether someone else negated what that person was saying. Police mindset is to corroborate evidence.
- Had a number of contact points within Pike River Coal rather than just having the one; perhaps having one contact would have been better. There were no problems dealing with people when at the mine. [REDACTED] was very helpful and there were no issues.

13 CORONIAL HEARING AND PREPARATION

- Coronial hearing was a one day hearing, narrowly focused, with essentially two witnesses. Detective Superintendent READ negotiated with the Chief Coroner as to what was to be covered, which was identity and survivability.

- Coroner then closed the Coronial Hearing on the grounds that if the RCOI did not cover all the issues he would reopen the hearing.
- The initial briefs of evidence were given to the different agencies, Solicitor General and Crown Law for perusal. Consequently they were changed several times but eventually whittled down to the original content according to what the Coroner required.

14 FILE MANAGEMENT

- Serious Crime Template and CID component in terms of National Policy was used at Level 1 because of the nature of enquiry. Every document allocated a CID number for ease of directional management and updating documents in the database.
- Intricacies of file management developed as the investigation progressed to RCOI stage. The system provided a tight searching capability to include important information required to keep a record of, for example, summation numbers.
- **Action point** - all attachment documents were scanned therefore the file is completely electronic allowing anyone with access to the operation to see all the documents. Used the latest scanner from Canon which was superior and able to scan documents to the home drive. The document could then be entered with a number.
- **Action point** - Police had two file managers which allowed the operation to run smoothly and produced a well documented file.
- Regarding the need for two separate files, two Government agencies working together as one group rather than two groups would have been more efficient.
- Referring to MOU, does DoL have the ability to run a file this size as they do not have the systems in place? Their file manager had a different numbering system, the information was the same therefore working together as one group would have been easier to gather information.
- **Action point** - debrief with DoL and raise this issue for discussion from their perspective and what senior management think.
- **Action point** - Detective Superintendent [REDACTED] to bring up at National level around the Serious Crime Course for a feasibility study for further discussion around how it should be done and how it might look and work. There is definitely more sharing between departments and next time it might not be the DoL and if those discussions have been had it might make it a whole lot easier.
- Summaries worked well and branched off with a few different summaries at times involving summary of interview where some went into CID, phase summary sheet covering off relevant phases and prepared concise directional

summaries. Interviews were 70 to 100 pages and quite difficult to read therefore the summaries were very worthwhile and relied on Detectives for good active summaries.

- **Action point** - identify what is pertinent to the summaries earlier and have one initial document as opposed to two or three.
- Using comprehensive interview summaries was there a need to transcribe every interview? Only transcribe the key transcripts however it may be a matter of what you don't do you will be asked to do by the RCOI. Summarise straight after interview and prepare a formal written statement for the key 10% of interviews that are identified. Usually the most important witness at any trial is the one that you never interviewed and the one the Defence Counsel makes the most issue of, especially for a RCOI. No other way to do it but straight up the middle, no shortcuts. Without interviewing all those who were underground for the shifts leading up to and ones that got out etc. would not have been able to identify the real issues and who were the important people. Interviewing the lower level staff you get a good base for what the next level needed to do and what their responsibilities were and how it all worked and came together. An initial assessment of the first 20 minutes of interview will determine whether to terminate it early.
- More training needed on summation, which was not utilised by investigation team and used more by RCOI. Is a new management tool for Police and only reason it was used was for the Commission. Did not impact overtly enough to be of any great value but down the track it may well do. At least it is now in place at ground level.
- **Action point** - take account of all considerations and think through the need to do things thoroughly and what impact it had on investigation.

15 IMAGE MANAGEMENT

- Sergeant [REDACTED] tabled Summary of Future Considerations and together with Detective [REDACTED] put together a document with footage for the RCOI. [Tabled draft document and final version on the file].
- The document refers to how things were managed at the mine by operational team; exhibit movements, footage collation, distribution of cameras and how there should have been a documented spreadsheet on camera number, time, date, place, image taken, chain of evidence, where it goes to.
- Operation needed a file manager for correspondence and management of images generated; not only by operation staff but by people outside operation, catalogued and looked at, also needed to be exhibit management system in place.
- Correspondence management was put in place too late and had no image or exhibit management system so when it became important in about late

January/February, just after Coronial Hearing, had to try and find out who had taken over 600 images and what were they of. Some of the photographs turned out to be very relevant and had we had a job sheet it would have been much easier for O/C Exhibits, [REDACTED].

- Not just about image management it was about how they managed their process. READ spoke to Commissioner and said they needed to mirror our system of correspondence management, image, exhibits, managing of base, emails, expert evidence, but unaware whether this was picked up on. Someone in Policy Planning Group was looking at it.
- PNHQ staff coming and going and difficult to get point of contact, and some had not been briefed on what their actual role was. Did have general debrief and there was some talk about the process they had, headquarters admitted it interfered too much with what was going on in the operational phase.

16 EXHIBIT MANAGEMENT

- The difficulty was DoL seizing exhibits and us not knowing what they had. Would have been better to have one exhibit management system with one O/C Exhibits.
- Operational team did not appoint exhibits officer for a number of weeks and therefore no one managing exhibits. They also didn't have a file holder in the initial stages.
- There was an induction document on operational team, recording who was doing what but didn't contain information as to who was the file manager. There was no other point of contact in transition phase.
- If there had been a personal investigation team at forward base with operations team, this could have received exhibits and obtain an understanding of roles and expectations.
- DoL handled some key exhibits [taking to Australia, sending things away] without recording chain of custody so if tested in court could be difficult.
- Exhibited one copy of all the DVD interviews, which is important for the future because sometimes the working copies are faulty and have to delve into exhibits to get a copy that worked.

17 LACK OF LEGISLATION

- Has been raised at other debriefs however we were fortunate that we managed to negotiate cooperation from all of the interested parties and people that were being investigated. If Pike River Coal had refused to give copies of documents, copies of computer system, what legislation did we actually have to back us up?

- Had the Coroners Act which means we are agents of the Coroner for the purposes of investigating the death but up until 27 November 2010 we weren't investigating a death, we were just investigating a workplace accident so there is a gap in the legislation because we didn't know at that stage, and we still don't know, whether there is actually a criminal offence.
- We are investigating criminal liability but under what authority? Could we have actually, if we had wanted to, seize documents, equipment under a 198 search warrant? Would argue we probably couldn't. Had that discussion early on with the legal team around what legislation we use and struck that difficulty with telephone records. If we wanted records from the mine we were fortunate they gave us consent but if they had refused and requested a warrant, which they would have been quite entitled to do, we would have been between a rock and a hard place.
- Did not obtain Coronial warrants, went to the Royal Commission on two occasions and both times they turned us down. Once the evidence was completed the Coroner wouldn't go back and issue their side and there was stuff under Health and Safety Act where effectively we could be said to be helping DoL. Probably needs to be some consideration at Government Department level, whether it be a natural disaster or something of this scale, where public interest can define there are specific powers that can assist otherwise a lot of evidence is lost and will never be able to play catch up in two weeks time once it has been determined there is criminality.
- Even now we still can't say there is criminality so how would we have managed getting documents and exhibits for the Royal Commission [REDACTED]
[REDACTED] Same with the scene examination in the mine. Makes it frustrating, need to spend so much time negotiating with people and someone changes their mind you are back to square one.
- Regarding legal support we had [REDACTED] from the outset, two to three days into it, as our legal adviser. Requested to be on the Coast for a couple of days but was there for six months. Was the legal adviser for the operation. PRC did not have a legal adviser and used [REDACTED] and PRC also used experts that we had lined up to use. PRC used [REDACTED] early on and everything had to go through him for approval and bottlenecked things for at least a week until they started to change.
- Had problems getting information from Telecom even with search warrants after the Coronial enquiry had closed because there was no legislation.
- This will have to be dealt with at headquarters level in terms of moving forward.

18 ANALYTICAL TASKINGS

- Had the benefit of either negotiating with Customs to have an external analyst brought in to another Government agency. Customs analyst was given terms of reference about what was required. [REDACTED] alerted me to that document and seemed to be the most accurate way to ask for something and get something done and he was fine with that.
- Customs involvement could have been earlier and then we would have been working together on a product; two people sharing ideas to produce something that is completely new works better than just one person.
- NIC has people from other Government agencies now working inside the NIC on a daily basis so this sharing of skill base is happening all the time.
- Any analyst needs a terms of reference or to work with the bosses on the project for a terms of reference. Something to consider for future operations.
- Learning curve here was historically within serious crime investigations we get an analyst who is not an analyst in the current forum and produces a timeline and tinkers with telephone data. Now with the analytical structure we have in place that is very much the way we operate. If you are going to engage an analyst make sure it is done with a specific purpose and based on clear taskings about what is required.
- The important use for the investigation team was the placement work that Constable [REDACTED] did for Phase 2.
- Needed an analyst working on the Pike server at an earlier stage than what we did. Investigators struggled being able to get the necessary information out of the server, knew it was there but just finding it. Having someone more expert on the server and searching it at an early stage would have been ideal. EVE was supposed to provide this capability but difficulty getting it up and running on the Coast as server connection too small. Then organised for a portal 50K server and took a couple of weeks to get it to the Coast but it didn't happen and EVE was not up and running until we got back to Christchurch by which time it could have been done through the Christchurch server.
- Should have had one person sit down and look at the whole thing and would have to have been someone with knowledge of mining processes and all the information, had a background in the investigation work, in order to sit down and interrogate it. Could not bring an analyst in cold, needed someone with a background knowledge in order to realise they were looking at something quite important.
- Was useful for accessing emails of [REDACTED] for interview purposes. Caught up with [REDACTED] who was an office administrator as to some of the areas in it that we should look at but there is so much data, 34 million documents, it is a matter of isolating what and where are the relevant documents.

- Recognised at an early stage there would be something in there that someone will find through the disclosure process that will be a gem we have missed but that is the size of that lump of information and the number of people we have looking at it.
- Regarding phase enquiries it was important to be able to search the documents which related to those phases, getting a background of what they've done, where they were going, if they hadn't done something, risk assessments. It was really important to have that. It was also good for audit reports. Able to put incident reports into context by looking at line of enquiry and able to put that to one side. Still a huge amount in there that we still need to go through at some stage but the upside it is actually there for ever more should we need it.

19 EXPERT LIAISON

- It would have been ideal to have an expert attached to our investigation but cost prohibitive.
- Evidence [REDACTED] gave very good and had an answer for all the questions. Has presented a report but still hasn't presented anything on the gross negligence and has been promising it since October 2011.
- The operation didn't have expert either and relied on the mine manager who ran the meeting and Police listened. Getting an expert off shore would be the only option to prevent conflict of interest.
- Someone from Pike River would have been helpful in the early stages just to explain what was happening. [REDACTED] was there in the first week of December, just before the interviews started. It would have been beneficial to have him at the morning investigative meetings to answer questions.

20 MINE RE-ENTRY

- An organisational chart has been prepared and a working group consisting of two DoL and three Police personnel had a meeting and agreed to the structure. Timing is obviously the big issue.
- In terms of the investigation, the likely impact once that phase happens is we will reconvene because the scope of work required for the re-entry will be considerable. Will have two underground inductees as scene examiners but a great deal of work required.
- A plan has been prepared for re-entry and covers scene examination. The contracts are in place to put the seals down but it is just the waiting.
- Will not know how mine re-entry will eventuate until they get to a point where they have secured the initial drift and made a risk assessment on going any further in terms of what the damage is.

- May be necessary to train a couple of more people in mines rescue depending on what the atmosphere is going to be in the tunnel.
- There is also a plan for DVI body recovery and how that is going to work regarding identifying skeletons in clothing. Compile a system for all the ante-mortem data.
- This documentation is part of the electronic file. Need coordination of liaison between Police and DVI team so if in five years time someone does move on from there the information is still confined in one place.
- Have an agreement with Mines Rescue and they have given us a document as to what their responsibilities are and working with DVI and Police. Need to make sure DVI understands protocol around this.

21 THE FUTURE

- This is two-fold. Firstly, if we do decide to prosecute what is going to happen and how would it work. Would we reconstitute part of the team? Secondly, if and when final decision is made there is going to be disclosure requests so putting process in place to manage that.
- Had discussions with Commission and others and the only solution is to have a centralised database electronic file and download documents and manage it that way. This is to be done in the next couple of months once we have decided what we are going to do and where to from here.
- Fully expecting that within next week or week and a half we will have a document from [REDACTED] which will allow us to put together final report to go to the Crown. Also anticipate, knowing the workload that [REDACTED] currently has, it is going to be two months before we get a decision around criminal liability.
- The file will not stay with the File Manager because he may be moving on so may well move it to a different district.
- High degree of probability there will be other people involved in the mine re-entry and therefore require all documentation at the fingertips of whoever is the file manager.
- The experts have given three different scenarios for the explosion; they can't rule anything completely in or anything completely out. When [REDACTED] gave his evidence he said his opinion was on the balance of probabilities, it wasn't beyond reasonable doubt, so is not up to the usual standard we would use for a criminal prosecution and will not be in a position to make that call until we get into the mine. I would suggest that eventually we will sit on the fence and say we cannot make a decision until we have some clarity about what has gone on in the mine and for that reason when we get

into the mine we can revisit the scenarios the experts have given us and have a look at what evidence is there.

- If that is four or five years away you then have the public interest factors to consider and seven or eight years beyond the explosion whether it is in the public interest to prosecute people.
- Need to be in a position where the file, no matter what decision is made, can be acted upon, is relatively easy to get back into the file and for someone to understand the logic and reasoning behind what has been done if we are not here.
- DoL's investigation could be a concern five years from now coordinating their information and exhibits they may have. Do we need an indepth summary now to explain what is important, what is not? Part of that has been done with the phase summaries and DoL report but need their investigative file and backup documents. We will however get DoL prosecution file and that may be adequate.
- Still many months of work to file Operation Pike into a system that can be investigated five years down the track; periphery things we talked about around re-breathers and second egress needs to be taken to a point where we can say we are satisfied we have done all the investigative work that we can with what we know now.

22 FINAL REPORT

- Detective Senior Sergeant [REDACTED] gave an overview as to where the team is at with final report.
- For the benefit of those from out of town, if we look at where we were at Point 1 to where we have come to Point 22 on the agenda, it is more than significant in terms of the quality of the final report, the amount of information on record, the in depth knowledge that has been added to that final report, and finally the structure of the final report; this is testament to everything we have discussed this afternoon.
- For the information of the Chairman, the final report took a few discussions as a group and covered seven phases identified as key investigative areas and from that compiled a mine map so anyone can pick up a file electronically. For example, the goaf is one identifiable area and you will be able to see the phase summaries and literally map your way down through the whole investigative process of the goaf. This can also be done with the other six phases.

- The final report will be in electronic format because we believe that was the best way, with one copy of documents that relate to each summary. [REDACTED] and [REDACTED] have reviewed them and technical content is quite incredible. That will go in electronically along with the final report. Need to make sure points made were based on reference fact and [REDACTED] very impressed with them; an independent reader would have a clear concise indication of what the phase was about and referenced back to relevant documents.
- As an investigation team we need to agree today that this is not the end of the investigation and sit together again and decide what are the steps forward from here to cover the main points of the investigation; put it in writing so we agree in two or three months time and we can sit and look at what we've done and what we haven't done. Otherwise there is a tendency to drift. Need to know what the roles are for the future.
- O/C File finalised the document of enquiries that are still outstanding, why we needed to look at them and what needed to be done and grade them 1, 2 or 3. 1 - needs to be done because it feeds into the seven phases; 2 - likely to have some relevant, 3 - can wait until entry is gained into the mine to determine whether it is going to be relevant or may come to fruition. Need to sit down and categorise them and get some taskings to start chipping through those.

GENERAL

- Debrief notes to be distributed to Officer in Charge Assistant Commissioner [REDACTED], Assistant Commissioner [REDACTED] and District Commander [REDACTED].
- Action points to be followed through so lessons learned benefit other operations and groups.
- Liaison and interaction between the Commission and Police investigative team where we were utilised to prepare briefs for various phases was quite a distraction from our enquiry work. The Commission used several templates regarding format for formal written statements and some prepared five or six times before entering as a Commission document, which needs to be streamlined. [REDACTED]. The Police investigation team does not have a say. The investigation team, Commission group, DoL and Crown Law had two or three meetings where we discussed things and refused certain requests. No one organisation could have done that and it needed collective power to refuse to do something. The benefit to investigation team was it did not have to brief Phase 3 and if it had done we would have been there for months. We were only required to disclose all

our documents including transcript documents, which they eventually agreed to.

- Trail-blazed a lot of the enquiry, as it was unfamiliar circumstances. DoL, Maritime, TEAC, Police and all other agencies need to develop preformatted protocols and memorandums so when something happens there is a procedure to follow. There have been developments regarding this since the Christchurch earthquake and other recent disasters.
- This investigation was a fantastic effort over such a long period of time on what was always going to be a difficult investigation, as had to think completely differently. Much of the operation was in an information gathering phase requiring detailed analytical work both individually and collectively.